

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 AMIT WAGHRAY, M.D.

4 Holder of License No. 34299
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-11-0862A

ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO THE SAME

7 Amit Waghray, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 FINDINGS OF FACT

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 34299 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-11-0862A after receiving notification
17 from Respondent that he had inappropriately billed for services not rendered while working
18 as a hospitalist at John C. Lincoln North Mountain Hospital from December 2010 through
19 May 2011.

20 4. Respondent stated he feels that the increase in his workload from seeing 12-
21 16 patients per day to 22-27 hospitalized patients per day and exhaustion led to his poor
22 judgment and to his "cutting corners" at the hospital. He stated that he began to write
23 progress notes and orders on patient charts and billing for visits without seeing the
24 patients. The issue was brought to Respondent's employer and he was terminated. He
25 also resigned from the hospital.

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5. Respondent self-reported the incident to the Board, the U.S. Office of Inspector General, and to the Arizona Health Care Cost Containment System (AHCCCS). He also obtained an attorney to help go through all of his billing material so that he could start the process of reimbursing insurance companies. Respondent reported that he has worked diligently to reimburse Medicare for the inappropriate billing and coding. According to Respondent's counsel, as of November 22, 2011, his counsel has been in the process of preparing letters to private insurers and third party administrators for institutions such as AHCCCS regarding patients not seen, and will prepare reimbursement to those institutions when a complete list is furnished.

6. Board staff noted that Respondent has not practiced medicine for pay since May of 2011. According to various letters from Respondent and his legal counsel, he has been involved in several volunteer efforts. He has also obtained CME in medical ethics, boundaries, and professionalism. Respondent has also seen a professional mental health counselor. As of December 28, 2011, Respondent has not been criminally charged for the inappropriate billing.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(u) ("[Charging a fee for services not rendered or dividing a professional fee for patient referrals among health care providers or health care institutions or between these providers and institutions or a contractual arrangement that has the same effect. This subdivision does not apply to payments from a medical

1 researcher, to a physician in connection with identifying and monitoring patients for a
2 clinical trial regulated by the United States food and drug administration.")

3 ORDER

4 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

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6 DATED AND EFFECTIVE this 7th day of June, 2012.

8 ARIZONA MEDICAL BOARD

9
10 By 

Lisa S. Wynn

11 Executive Director

12 CONSENT TO ENTRY OF ORDER

13 1. Respondent has read and understands this Consent Agreement and the
14 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
15 acknowledges he has the right to consult with legal counsel regarding this matter.

16 2. Respondent acknowledges and agrees that this Order is entered into freely
17 and voluntarily and that no promise was made or coercion used to induce such entry.

18 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
19 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
20 this Order in its entirety as issued by the Board, and waives any other cause of action
21 related thereto or arising from said Order.

22 4. The Order is not effective until approved by the Board and signed by its
23 Executive Director.

24 5. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

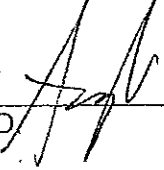
4 6. Upon signing this agreement, and returning this document (or a copy thereof)
5 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
6 the Order. Respondent may not make any modifications to the document. Any
7 modifications to this original document are ineffective and void unless mutually approved
8 by the parties.

9 7. This Order is a public record that will be publicly disseminated as a formal
10 disciplinary action of the Board and will be reported to the National Practitioner's Data
11 Bank and on the Board's web site as a disciplinary action.

12 8. If any part of the Order is later declared void or otherwise unenforceable, the
13 remainder of the Order in its entirety shall remain in force and effect.

14 9. If the Board does not adopt this Order, Respondent will not assert as a
15 defense that the Board's consideration of the Order constitutes bias, prejudice,
16 prejudgment or other similar defense.

17 10. Any violation of this Order constitutes unprofessional conduct and may result
18 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
19 consent agreement or stipulation issued or entered into by the board or its executive
20 director under this chapter") and 32-1451.

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23 Amit Waghray, M.D. 

DATED: April 15, 2012

24 EXECUTED COPY of the foregoing mailed
25 this 7 day of June, 2012 to:

1 Stephen Myers
Myers & Jenkins
2 One East Camelback Rd, Suite 500
Phoenix, AZ 85012
3

4 ORIGINAL of the foregoing filed
this 7 day of June, 2012 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

7 Mary Bolei
8 Arizona Medical Board Staff
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